

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**CHRISTOPHER BROWN,**

**Petitioner,**

**v.**

**Case No. 21-CV-1460**

**RANDALL HEPP,**

**Respondent.**

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**ORDER**

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On March 14, 2022, the respondent moved to dismiss Christopher Brown's petition for a writ of habeas corpus. (ECF No. 1.) On April 11, 2022, Brown requested additional time to respond to the motion. (ECF No. 11.) The court granted that motion and ordered him to respond no later than May 13, 2022. (ECF No. 12.) Brown failed to respond. On June 2, 2022, the court gave Brown a final opportunity to respond to the motion. The court ordered him to respond no later than June 30, 2022, and it informed him that failure to respond may result in the court granting the motion to dismiss. (ECF No. 13.) Again, Brown failed to respond. On July 15, 2022, the court granted the respondent's motion to dismiss. (ECF No. 14.)

On July 22, 2022, Brown filed a motion for reconsideration. Because the motion was filed within 28 days of the entry of judgment, the court construes the motion as one under Fed. R. Civ. P. 59(e). “The purpose of Federal Rule of Civil Procedure 59(e) is to allow a party to bring to the district court’s attention a manifest error of fact or law so that it may correct, or at least address, the error in the first instance.” *A&C Constr. & Installation, Co. WLL v. Zurich Am. Ins. Co.*, 963 F.3d 705, 709 (7th Cir. 2020). “A Rule 59(e) motion, however, ‘does not allow a party to introduce new evidence or advance arguments that could and should have been presented to the district court prior to the judgment.’” *Id.* (quoting *Bordelon v. Chicago Sch. Reform Bd. of Trs.*, 233 F.3d 524, 529 (7th Cir. 2000)).

Brown states in his motion:

On 7-18-22 I received notice that my motion was denied because I failed to respond to the Respondents motion to dismiss.

Because my motion wouldnt have reached me in a timely Fashion it was still submitted to both emails of Sarah Burgundy & Winn Collins dated 6-28-22 by an outside source Im asking that the courts please reconsider this decision.

(ECF No. 16.)

Brown’s motion is unclear. But he has failed to demonstrate manifest error of law or fact sufficient to merit setting aside the judgment. Accordingly,

**IT IS THEREFORE ORDERED** that Brown's motion for reconsideration (ECF No. 16) is **denied**.

Dated at Milwaukee, Wisconsin this 19th day of August, 2022.

  
WILLIAM E. DUFFIN  
U.S. Magistrate Judge